



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/150838

PRELIMINARY RECITALS

Pursuant to a petition filed July 24, 2013, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Kenosha County Human Service Department (the agency) in regard to FoodShare benefits (FS), a hearing was held on August 20, 2013, at Kenosha, Wisconsin.

No issue remains for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

By: Karen Mayer, Fair Hearing Coordinator
Kenosha County Human Service Department
8600 Sheridan Road
Kenosha, WI 53143

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.
2. On May 20, 2013, the agency sent Petitioner a six month report form (SMRF) and instructions. The instructions indicated that the completed form needed to be returned to the agency by June 5, 2013. (Exhibit 2)

3. On June 18, 2013, the agency sent Petitioner a notice indicating that his benefits would be ending, effective July 1, 2013, because he had not completed a SMRF. (Exhibit 3)
4. Petitioner returned the SMRF on June 19, 2013. However, section 5 of the form was not completed. The box, next to the words, "Check here if there is no Other income" was not marked, as such it appears the agency was expecting further information to be filled out in subsection B of section 5. (Exhibit 12, pg. 12 of 12)
5. On June 20, 2013, the agency sent Petitioner a letter explaining that his SMRF was not complete and that section 5 needed to be completed. (Exhibit 4)
6. On July 1, 2013, Petitioner's wife called the agency and was informed that the SMRF needed to be completed. (Exhibit 8)
7. On July 8, 2013, Petitioner's wife called the agency and received instructions on how to reapply for benefits. (Exhibit 8)
8. On July 9, 2013, Petitioner completed an on-line ACCESS application. (Exhibit 6)
9. On July 18, 2013, Petitioner went to the agency and indicated he thought completing the ACCESS application would complete SMRF. The agency completed the SMRF with Petitioner that same day, but considered the SMRF to be completed as of the date of the ACCESS application, July 9, 2013. (Exhibit 6; testimony of Ms. Mayer)
10. On July 19, 2013, the agency sent Petitioner a notice indicating that he was approved for benefits and that his benefits for July were prorated at \$529.00 and that his benefits for August 2013 forward would be \$746.00 per month. (Exhibit 7)
11. Section 6.1.2 of the FoodShare Wisconsin Handbook indicates that, "If FS closes for lack of SMRF, verification or other reasons and the household takes the required action within the calendar month following the report month, the agency shall reopen FS and issue prorated benefits from the date the household took the required action." In other words, if a FoodShare case closes because a SMRF is not completed on time, the agency can reopen the case, but only from the date the SMRF is completed. (Exhibit 9)
12. Petitioner filed a request for fair hearing that was received on July 23, 2013. (Exhibit 1)

DISCUSSION

At the hearing, Petitioner indicated that he filed an appeal because his July benefits were reduced. However, during the hearing, Petitioner's wife, who was acting as Petitioner's representative, indicated that she no longer wanted the hearing and that she no longer wanted FoodShare benefits. Petitioner's wife's statements were deemed a withdrawal of Petitioner's appeal.

CONCLUSIONS OF LAW

That there is no issue remaining for resolution by the Division of Hearings and Appeals regarding Petitioner's FoodShare benefits at this time.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new

evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

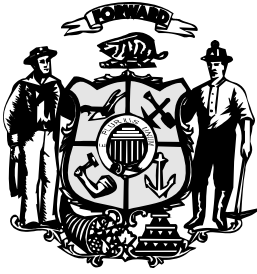
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 22nd day of August, 2013.

\sMayumi M. Ishii
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 22, 2013.

Kenosha County Human Service Department
Division of Health Care Access and Accountability